

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

LARRY E. EALY,

Petitioner

-vs-

Case No. C-3-08-CV-059

SHERIFF DAVE VORE

Magistrate Judge Sharon L. Ovington

Respondent

District Court Judge Thomas M. Rose

**ENTRY AND ORDER OVERRULING PETITIONER'S OBJECTIONS (DOC. #10) AND
ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS (DOC.
#9) DISMISSING WITH PREJUDICE PETITIONER'S PETITION FOR HABEAS CORPUS
(DOC. #2), DENYING PETITIONER CERTIFICATE OF APPEALABILITY AND
TERMINATION ENTRY.**

This matter comes before the Court pursuant to the Petitioner's Objections (Doc. #10), filed October 28, 2008, to the Magistrate Judge's Report and Recommendations (Doc. #9) filed October 16, 2008. The Court has conducted a de novo review of all filings in this matter and finds the Objections (Doc. #10) not to be well-founded and OVERRULES same, ADOPTING the Magistrate Judge's Report and Recommendations (Doc. #9) granting Respondent's Motion to Dismiss (Doc.# 5) DISMISSING Petitioner's Petition (Doc. #2) for Writ of Habeas Corpus.

In so ruling, this Court finds, as did the Magistrate Judge, that the Grounds for Relief asserted in the Petitioner's Petition were moot and that Petitioner lacks standing.

This Court would also find that no reasonable jurist would dispute this result and would DENY any requested certificate of appealability and leave to proceed in forma pauperis on appeal.

This matter is hereby ORDERED terminated upon the docket records of the United States

District Court, Southern Division at Dayton, Ohio.

Therefore, this Court DISMISSES the Petitioner's Petition (Doc. #2) for Writ of Habeas Corpus.

November 14, 2008

s/**THOMAS M. ROSE**

JUDGE THOMAS M. ROSE
United States District Court